

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
MICHAEL SEAN SPEIGHT,)	
)	
Plaintiff,)	
)	
v.)	
)	
AMANDA KAELEBLEIN,)	Case No. 1:24-cv-12363-PBS
MICHAEL KAELEBLEIN,)	
NANCY KAELEBLEIN, and)	
ERIC STEPHAN ¹ ,)	
)	
Defendants.)	
_____)	

**DEFENDANT ERIC STEPHAN’S OPPOSITION TO
PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT**

Defendant Eric Stephan hereby opposes Plaintiff’s Motion for Entry of Default.

1. Plaintiff Michael Sean Speight has neither filed nor served an Amended Complaint in this case, so the time for Attorney Stephan to respond has not yet started. *See* Fed. R. Civ. P. 15(a)(3) (“Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.”)

2. On October 16, 2024, Mr. Speight filed three documents titled “Affidavit in Support of Motion to Amend Complaint,” “Motion to Amend Complaint,” and “Memorandum in Support of Motion to Amend Complaint.” *See* Dkt. 66.

3. On October 23, 2024, this Court allowed Mr. Speight’s Motion to Amend. *See* Dkt. 67.

¹ Misnamed in the caption as “Eric Stephanie.”

4. Mr. Speight did not file or serve an Amended Complaint after this Court allowed his Motion to Amend or at any time for that matter.

5. If Mr. Speight intended his “Memorandum in Support of Motion to Amend Complaint” to be his Amended Complaint, then he should have refiled that document and properly titled it “Amended Complaint” after this Court allowed his Motion to Amend.

6. If Mr. Speight still intends his “Memorandum in Support of Motion to Amend Complaint” to be his Amended Complaint, Attorney Stephan requests additional time, to December 5, 2024, to respond.

7. Attorney Stephan has meritorious defenses to Mr. Speight’s claims including but not limited to lack of subject matter jurisdiction, Eleventh Amendment immunity, absolute prosecutorial immunity, and failure to state a claim.

WHEREFORE, Attorney Stephan respectfully requests that this Court deny Plaintiff’s Motion for Entry of Default.

ERIC STEPHAN, in his individual capacity and his
official capacity as an Attorney for the Massachusetts
Department of Revenue

By their Attorney,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Eric A. Martignetti

Eric A. Martignetti, BBO # 678377
Assistant Attorney General
Government Bureau/Trial Division
One Ashburton Place, Room 1813
Boston, MA 02108
(617) 963-2314
eric.martignetti@mass.gov

Date: November 15, 2024

CERTIFICATE OF SERVICE

I, Eric A. Martignetti, hereby certify that on November 15, 2024, this document was filed through the ECF system and sent electronically to the registered participants as identified on the notice of electronic filing (NEF) and by first-class mail to non-registered participants.

/s/ Eric A. Martignetti

Eric A. Martignetti